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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1197th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 18 February 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined fourth, fifth and sixth periodic reports of Iraq

* No summary records were issued for the 1195th or 1196th meetings.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined fourth, fifth and sixth periodic reports of Iraq (CEDAW/C/IRQ/4-6, CEDAW/C/IRQ/Q/4-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Ms. Yaser** (Iraq), introducing the combined fourth, fifth and sixth periodic reports of Iraq (CEDAW/C/IRQ/4-6), said that there had been major developments since the submission of the State party's last report. Two new ministries, the Ministry of State for Women's Affairs and the Ministry of Human Rights, had been established, as well as the Directorate for Women's Welfare in the Ministry of Labour and Social Affairs and the Directorate for Protection of the Family in the Ministry of the Interior. In addition, gender equity units had been set up in all ministries and government institutions. A number of shelters had been created for female victims of trafficking in Baghdad and for victims of violence in the Kurdistan Region, as had special investigation units in courts that handled domestic violence cases or human rights violations. Early in 2014 the Government had also established a special court in Baghdad to deal with human rights violations.

3. Significant progress had been made in promoting and protecting women's rights through legislation and a range of national and regional government mechanisms, including programmes to combat violence against women and a national action plan for the implementation of United Nations Security Council resolution 1325 (2000). Gender mainstreaming was an integral part of the country's administrative reform programme.

4. Iraq had adopted a new Constitution in 2005 which provided guarantees for the implementation of all international instruments to which Iraq was party. A national committee had been established in 2012 to oversee the harmonization of national legislation with those international conventions

5. Article 14 of the Constitution upheld the principle that all people were equal before the law, without discrimination on the basis of race, gender, religion or ethnicity, and that principle was an integral part of all its legislation other than those laws in which religious considerations dictated otherwise. Accordingly, the Government was proposing to amend a number of laws in line with article 14, including the Minors Welfare Act, the Labour Code and the Personal Status Act, and the Regional Government of Kurdistan had succeeded in introducing such amendments into its Personal Status Act and Criminal Code. In 2012, Iraq had withdrawn its reservation to article 9 of the Convention regarding the right of Iraqi women to pass on their nationality to their children.

6. Iraqi women had made great strides in terms of their political rights, representation and participation. The 2005 Constitution had introduced a quota for the minimum number of seats to be held by women in the national legislature, and the percentage of women in parliament had risen from 10.8 per cent in 1990 to 27.3 per cent in 2005; the Kurdistan Regional Government had set its minimum quota at 30 per cent. Measures had been adopted to encourage women to take part in the parliamentary elections scheduled for April 2014, and some 2,500 women candidates had submitted their names thus far. The number of women in the judiciary had also increased markedly.

7. Public education was free of charge at all levels in Iraq and was open to all. Nonetheless, war, the embargo imposed on Iraq by the United Nations Security Council,

internal and external displacement, and ongoing terrorist activities in certain regions had led to a drop in enrolment, especially in the case of female students, but the Government had introduced various initiatives to improve the situation. Girls had achieved consistently higher grades than boys at the baccalaureate level for the past four years, and women had made major strides in reaching leadership positions in education. As one example, Iraq had recently appointed its first-ever female university chancellor.

8. A deterioration in the nation's health indicators had been seen in recent decades as a consequence of war, the embargo and the destruction of infrastructure, all of which had led to a decline in the country's human and financial resources and in the population's income levels, as well as to environmental degradation. Those factors had been reflected in higher mortality rates and a deterioration in health-care services. A special plan had been developed, however, that focused on meeting immediate health needs and improving primary health care and reproductive health services, and mortality rates had already begun to drop as a result. One area of particular concern was the sharp increase in the number of cancer cases among women and children; various measures had been adopted in order to address that problem, including the establishment of an advanced cancer treatment facility for women and children in the Kurdistan Region.

9. The most severe form of violence against women had been the armed violence that had occurred following the events of 2003 and the violence they had suffered since then as a result of terrorist-related activities. The situation had improved significantly, but renewed activity on the part of Al-Qaida had raised fears that armed violence would increase once again.

10. All Iraqis enjoyed the rights and obligations set forth in the Personal Status Act, including non-Muslim women. Women in Iraq were sometimes the victims of domestic violence; in other cases they were subject to intimidation or forced displacement owing to terrorist activities. The Government was striving to protect all members of Iraqi society from violence.

11. As a result of past military conflicts and terrorist activities, the number of widows had skyrocketed. Those vulnerable women and their children, in addition to other vulnerable groups such as the 60,000 divorcees in Iraq and women with disabilities, received government financial assistance. Immigrant and internally displaced women and families also received financial support and assistance in returning to their homes and recovering their confiscated property and identity documents.

12. Women and men enjoyed equal employment opportunities and equal pay in the public sector, and the same unemployment benefits were available to both sexes. In rural areas, an interest-free loan scheme for agricultural projects was available to both men and women, together with a wide range of training programmes. Challenges remained in the private sector, however, which lacked a national health insurance scheme and minimum wage laws.

13. The Iraqi Government and the Kurdistan Regional Government had been working hard since 2003 to improve the situation of women in Iraq at all levels of society. Many challenges remained, but Iraq was committed to ensuring, as a matter of priority, that all women fully enjoyed their rights under the Convention.

14. *A digital slide presentation was given on the achievements of Iraqi women since 2003.*

15. **Ms. Patten** said that she was concerned by the perception that the Government had failed to support the creation of democratic, accountable security and judicial institutions and that an unbalanced approach to the protection of the population had dimmed the nation's long-term security prospects. What specific steps were being taken to reconstruct

the judicial system and to refurbish vital infrastructure? Had the Council of Judges been reinstated? She would also like to know whether systems were in place to train and accredit judges and to provide women with legal and other forms of assistance in order to ensure that they had access to justice.

16. There were concerns about the existence of discriminatory laws, gaps in the legislative framework and contradictions in the Constitution, such as the inconsistency between articles 14 and 41. What factors were slowing the pace of the legal process involved in repealing discriminatory provisions in the Criminal Code, including articles 41, 128 and 377, and in the Code of Criminal Procedure? What infrastructure would be needed for the implementation of the national action plan on United Nations Security Council resolution 1325 (2000)? She would appreciate further information on the provisions that were in place to ensure that the action plan would be implemented at the federal, regional and district levels and to ensure that it would be integrated into local planning processes. Which government agency would be coordinating, monitoring and evaluating implementation efforts at the central and regional levels? She wished to know whether additional funds would be made available to all the ministries concerned, above and beyond their regular budget. She would be interested in hearing the delegation's comments on reports received by the Committee that indicated that the national action plan failed to make specific provision for women's participation in the national reconciliation process.

17. She would appreciate information on the action being taken to protect the human rights of internally displaced persons and refugees, particularly women and children, and to provide them with durable solutions. She would like to know how the Government was addressing the specific needs of the different groups of internally displaced and refugee women, including women subjected to multiple and intersecting forms of discrimination, such as rural women, elderly women, widows and women with disabilities. What measures were being adopted to promote those women's meaningful inclusion and participation in decision-making processes?

18. **Ms. Haidar** said that, while the Committee welcomed the adoption of the 2005 Constitution, it remained concerned about the fact that article 41 contradicted article 14 and could lead to religious and gender-based discrimination. What type of guidance had been provided by the Ministry of State for Women's Affairs and the Government in general with respect to the interpretation of article 41 and what steps would be taken to address the inconsistency? Was the possibility of suspending the article being considered? Article 41 had paved the way for the submission of a bill on the establishment of *Ja'fari* courts. The passage of such a bill would be in flagrant contravention of the Convention, especially with respect to the age of marriage set for women and the practice of entering into "temporary marriages". Consideration of that bill by parliament had been postponed because of the upcoming elections, but the Committee was concerned that it might be considered following the elections.

19. **Ms. Ameline** said that she welcomed the plan of action developed by the State party for the implementation of Security Council resolution 1325 (2000). That plan should also take into account the relevant provisions of the Convention. She would be interested to learn whether the State party had a mechanism for coordinating the Government's efforts with those of the various international organizations and agencies involved in the implementation process, in particular UN-Women and the United Nations Development Programme (UNDP), with a view to ensuring that the goals of the national plan were clearly defined and that firm deadlines were set for reaching them.

20. Discrimination against women in Iraq could be traced, in part, to the overall climate of insecurity in the country, to institutional, legislative and judicial shortcomings, and to the existence of traditional practices that were detrimental to women's rights. Given that state

of affairs, there was an urgent need to strengthen the rule of law in Iraq, which she considered to be one of the best ways to improve the situation of women in the country.

21. **Ms. Šimonović** said that she welcomed the withdrawal by the State party of its reservation to article 9 of the Convention. She would like to urge the State to withdraw its reservations to article 2, paragraphs (f) and (g), and article 16 of the Convention as well. The Committee considered those reservations to be impermissible on the grounds that they were contrary to the object and purpose of the Convention. The State party's reservation to article 2, paragraphs (f) and (g), was also contrary to article 14 of the Iraqi Constitution itself.

22. She wished to know when the General Secretariat of the Council of Ministers was expected to complete its task of harmonizing Iraqi laws with the provisions of the Convention. She would also like to know whether Iraq planned to ratify the Optional Protocol to the Convention.

23. **Ms. Pires** said that the national women's machinery in Iraq was faced with an enormous task when it came to formulating an effective response to the critical issues affecting Iraqi women in the many areas covered by the Convention. She would like to have detailed information on the mandate, functions and resources of the institutions that made up that machinery, in particular the Ministry of State for Women's Affairs. According to information before the Committee that Ministry was severely underfunded and understaffed. What was the status of the bill providing for the establishment of a full-fledged ministry on women and the family? She wished to know whether there was a timetable for the adoption of that bill and whether the Council was moving towards agreement on the mandate and functions of the proposed ministry. She would also like to know whether the bill provided for the allocation of sufficient financial and human resources to permit the ministry to discharge its functions properly and for the establishment of a national body that would coordinate with existing mechanisms at all levels in order to promote a common vision for the advancement of women.

24. As she understood it, the law providing for the establishment of the High Commission for Human Rights, which processed complaints from women, stipulated that women should make up no less than one third of the total number of its commissioners. Yet there were only four women on the Commission, instead of five. She would like to know the reason for that discrepancy.

25. She wished to know whether sufficient budgetary resources had been earmarked for the implementation of the strategies for the advancement of women that had been adopted at the national and regional levels. She would also like to know whether the national strategy for combating violence against women in the Kurdistan Region had been adopted and, if so, what progress had been made in its implementation. Were similar plans envisaged in other parts of the country?

26. **Ms. Malk Mahmood** (Iraq) said that applicants to the Judicial Institute had to pass a competitive exam, and entry was based exclusively on merit; gender was not a factor.

27. **Ms. Yaser** (Iraq) said that, as part of a pilot project supported by UNDP, the Higher Judicial Council had set up two legal help desks in Baghdad and one in Basra to provide free legal services to indigent Iraqi citizens. The General Secretariat of the Council of Ministers and the Citizenship Directorate had developed a programme to provide free legal services to men and women through legal clinics located across the country.

28. **Mr. Jasim** (Iraq), referring to the question as to whether articles 14 and 41 of the Iraqi Constitution were consistent with each other, said that the application of article 41, which had been intended to uphold the personal status rights of minority groups in keeping with the precepts of their religions, had been suspended.

29. **Ms. Yaser** (Iraq) said that the national plan of action for the implementation of Security Council resolution 1325 (2000) had been drawn up in cooperation with the High Council for Women's Affairs of the Kurdistan Region. The plan of action was part of a broader strategy for the advancement of women in Iraq. The General Secretariat of the Council of Ministers, the Ministry of State for Women's Affairs and the High Council for Women's Affairs of the Kurdistan Region were the three bodies tasked with overseeing the implementation of the plan. Once the plan of action had been adopted, she would ensure that the Committee received a copy.

30. **Mr. Al Musawy** (Iraq), providing an overview of statistics on the number of displaced families in Iraq, said that the Government was supplying funding for efforts to protect and assist internally displaced persons. In partnership with various international organizations, it offered three levels of assistance: initial emergency relief; health care, education and monetary assistance; and long-term solutions for return or resettlement. The country was hosting a growing number of Syrian refugees and returning Iraqi refugees from Syria, as well as Palestinian, Turkish and Iranian refugees.

31. **Ms. Yaser** (Iraq) said that the Council of Ministers had considered a bill on *Ja'fari* jurisprudence and personal status, but could not reach a consensus and had rejected it. The position of the Ministry of State for Women's Affairs had been that the bill contained provisions that contravened Personal Status Act No. 188 of 1959. The aim of article 41 of the Constitution, which had formed the basis for the *Ja'fari* bill, had been to uphold personal status rights, but the article was perceived by some as being discriminatory. Ultimately, what was needed was a law that guaranteed the personal status rights of all groups on a common basis: that of respect for human rights. The Council of Ministers was in favour of developing a comprehensive law that covered all religious groups and communities, including the proponents of the *Ja'fari* school of thought, and would be campaigning for such a law during the forthcoming general elections in April 2014. All stakeholders, including representatives of international organizations and civil society, would have an opportunity to express their views on the proposals.

32. In line with the general framework established in 2010 for the coordination of the work of the Government and United Nations entities operating in Iraq, an advisory body, under the supervision of the Council of Ministers, was responsible for assessing proposals for joint programmes. Public administrative reforms were to be carried out over a four-year period beginning in 2013 in such sectors as municipal governance, education, health, women's affairs and planning.

33. **Ms. Al-Barrak** (Iraq) said that the Ministry of Human Rights and the Ministry of State for Women's Affairs were working together to draft amendments to national laws in order to bring them into line with article 14 of the Constitution and to lay the groundwork for the withdrawal of the reservations to the Convention that had been entered by Iraq. As far as the reservation to article 16 of the Convention was concerned, it should be noted that the Personal Status Act No. 188, which was based on the Islamic sharia, did not contravene the Convention. The reservation to article 29, paragraph 1, of the Convention reflected the fact that Iraq had taken a clear stance in according precedence to the sovereignty of the Republic of Iraq.

34. **Mr. Zamil Saeed** (Iraq) said that a national committee had been established in 2014 to monitor the implementation of international treaties to which Iraq was party. It had also been given the task of harmonizing national legislation with international treaties by recommending, where necessary, either the amendment of an existing provision or the enactment of a new law. The committee held monthly meetings and reported biannually to the Council of Ministers.

35. **Ms. Yaser** (Iraq) said that, after lengthy negotiations and consultations, the national strategy to combat violence against women had been approved by both the federal Government and the Kurdistan Region. The strategy was implemented independently in the Region, which had its own mechanisms for that purpose.

36. **Ms. Bareiro-Bobadilla** said that she had noted that the State party had not responded to all the questions raised by the Committee in its list of issues and she would appreciate information on the measures taken to enhance women's participation in education and employment. The delegation might wish to refer to the Committee's general recommendation No. 25 on special temporary measures, which were an effective means of bolstering non-discrimination policies and moving towards legal and substantive gender equality.

37. Did the State party plan to draft special legislation and earmark resources to support vulnerable groups of women? She wished to know whether the Government intended to increase women's access to credit, what sorts of scholarships were available for low-income women from minority groups, how violence against women was prevented, and whether the public sector made an effort to attract and promote women employees.

38. **Ms. Ameline** said that the absence of legislation on violence against women meant that the legal foundation for the application of the Convention was incomplete. She wished to know whether the issue of violence against women was a priority in Iraq and what action the Government was taking to address, in particular, the problems of female genital mutilation, early and forced marriage, and domestic violence. Further information on the situation regarding religious and traditional rights would also be appreciated.

39. **Ms. Gabr** said she would like clarification on the number of honour killings committed in Iraq, since different government bodies had provided different figures. She was aware that, under certain legal provisions, perpetrators of honour killings could escape punishment and she wished to know what changes would be made in order to ensure that perpetrators of such killings were brought to justice. She would be interested to know whether the delegation thought that school curricula should be changed in order to counter negative stereotypes and how the question of the portrayal of women in the media was being addressed. What was being done to improve women's status in society?

40. **Ms. Hayashi** said that she would appreciate clarification as to how many women had been convicted on charges of adultery or prostitution, how many women had been sentenced to death in recent years and how many of those sentences had been carried out. Information before the Committee indicated that women prisoners were often subjected to ill-treatment, and she therefore wished to know whether such women could lodge complaints with the court that specialized in human rights violations and whether any court cases had been initiated on the basis of women prisoners' complaints.

41. **Ms. Šimonović** said that she would like more information on the domestic violence bill mentioned in the State party's replies to the list of issues (CEDAW/C/IRQ/Q/4-6/Add.1). How was domestic violence defined in the bill and what punishments for offenders did it provide for? Further information on shelters for victims of violence would also be appreciated.

42. **Ms. Gabr** said that legislation on trafficking in persons needed to be fully enforced in order to be effective, and she was concerned about the use of marriage as a means of trafficking women or forcing them into prostitution. She would like to know how women victims of trafficking were rehabilitated and whether the police, the staff of the prosecution service and judges received training on how to deal with trafficking victims.

43. **Ms. Leinarte** said that she would like to know whether prostitution and trafficking for the purposes of sexual exploitation were addressed under the same article of the

Criminal Code, as there seemed to be some confusion in the report over the use of the two terms. She wished to know whether there were programmes to support women who wished to leave prostitution; there was a particular need for such support, since women were often pushed into prostitution by socioeconomic factors, and women in vulnerable positions, such as war widows and displaced women, were particularly at risk of being obliged to engage in prostitution. She wished to know whether data were available on the number of women who had been prosecuted and imprisoned for prostitution. How many women who had formerly been incarcerated on prostitution charges lived in the "special homes" referred to in the report and what purpose did those special homes serve? Was the State party considering the possibility of addressing the problem of prostitution by means other than its criminalization?

44. **Ms. Mahdi Muhsin** (Iraq) said that legislation enacted in 2013 had more than doubled the wages of unskilled labourers. There were a number of institutions that helped vulnerable women, including widows, divorced women and women with disabilities, by providing them with pensions, assisting with the allocation of land, providing identity papers and so forth; the budgets of those agencies had been increased in recent years.

45. **Ms. Yaser** (Iraq) said that credit was extended to men and women on an equal basis, without discrimination. A new institution provided financial assistance to women studying at the undergraduate and postgraduate levels and to women attending literacy centres. The bill on domestic violence had been submitted to the Ministry of Justice for consideration.

46. **Mr. Jasim** (Iraq) said that there was indeed a gap between law and practice in relation to domestic violence. Extensive research on the matter had included a consideration of model laws from other countries. The resulting bill was based on the definition of discrimination against women set out in article 1 of the Convention. Issues addressed in the bill included the establishment of shelters for women, increased penalties for perpetrators of domestic violence, the introduction of temporary protection orders and the establishment of special protection units at every level of government.

47. **Mr. Rasheed** (Iraq) said that the Kurdistan Region was committed to advancing the rights of women and children. Domestic Violence Act No. 8 of 2011 defined a wide range of actions as domestic violence, including forced or early marriage, a husband forcing his wife to become a prostitute, female genital mutilation, forcing children to abandon their education to work or beg, beatings, insults, psychological pressure and intimidation. The penalty for domestic violence was a prison sentence ranging from 6 months to 3 years, with additional penalties for medical professionals who practised female genital mutilation and for persons who subjected a minor to such mutilation.

48. **Ms. Zangana** (Iraq) said that the Kurdistan Region had experienced some difficulties in enforcing the Domestic Violence Act because the idea of prohibiting domestic violence and taking action to put a stop to it was still quite new in many parts of Iraqi society. Nonetheless, the reconciliation committees established in accordance with that law processed approximately 40 cases per week. Those committees decided whether to attempt family mediation or to refer the case to the courts.

49. **Ms. Yaser** (Iraq) said that the levels of violence experienced by Iraqi women had fallen since 2008 thanks to increased stability in the country. The security of all members of society was a priority, and the Government was working hard to ensure the population's safety.

50. **Ms. Mohammed** (Iraq) said that many women had undergone female genital mutilation in the Kurdistan Region in the past, but the practice was on the decline. Women and schoolgirls had been made aware of the health risks of female genital mutilation and, for the most part, the practice continued only in remote areas. The health of women and girls who had undergone the practice was monitored, health professionals were trained on

how to deal with them, and seminars were held to raise awareness about the adverse effects of the practice. Approximately 10 per cent of the women and girls seen by health practitioners had undergone genital mutilation.

51. **Mr. Rasheed** (Iraq) said that, under the law adopted in the Kurdistan Region, no mitigating circumstances were applicable in cases where a woman had been murdered. The provisions on honour killings contained in the Iraqi Criminal Code had been suspended, and such killings were therefore treated in the same way as other murders.

52. **Mr. Jasim** (Iraq) said that a bill was being drafted in consultation with religious and women's organizations that would amend various laws by removing any reference to "honour crimes".

53. **Ms. Malk Mahmood** (Iraq) said that women who had been convicted of prostitution were sent to special homes in order to assist them to reintegrate themselves into society. A woman convicted of prostitution could be released if her spouse, guardian or family agreed to ensure that she would be rehabilitated, if the court would oversee her rehabilitation or if she married and it was clear that the marriage was not contracted with the aim of avoiding punishment under the law. No additional statistics on domestic violence were available at the moment.

54. **Ms. Yaser** (Iraq) said that a committee that had been established in 2013 to review prison conditions and practices had submitted recommendations to the General Secretariat of the Council of Ministers for improving the situation. It had recommended the establishment of special female police forces and rehabilitation and training centres for women prisoners. The Ministry of Justice received prisoners' complaints and interviewed the women involved in the presence of a psychologist. She knew of at least one case where a complaint had been forwarded to the Council of Ministers and legal measures had been taken as a result.

55. **Mr. Al-Tamimi** (Iraq) said that a special protection unit designed to prevent the abuse of women and children had been set up and was active throughout the country. A database had been introduced for use in the preparation of reports on domestic violence. The protection unit had received and processed 209 complaints of domestic violence in 2011.

56. **Ms. Yaser** (Iraq) said that there were four shelters for women victims of violence in the country and one shelter for victims of human trafficking in Baghdad. She could assure the Committee that prostitution and human trafficking for the purposes of sexual exploitation were regulated by separate laws and that there was no confusion between the two.

57. **Ms. Zangana** (Iraq) said that there were also four shelters for women in the Kurdistan Region which provided legal aid, training and psychological rehabilitation services.

58. **Ms. Dano** (Iraq) said that her country had signed the Trafficking in Persons Protocol and had adopted a law on trafficking in persons in 2012. A national anti-trafficking mechanism with regional offices had been established, and instructions on enforcement of the new law had been issued. Trafficking victims received psychological and physical testing, care and rehabilitation services. Victims were also matched up with job opportunities to promote their reintegration into society. The penalties for trafficking in persons included imprisonment and fines.

59. **Ms. Al-Barrak** (Iraq) said that 5 women prisoners were executed in 2012. In total, between 2005 and 2012, 13 women who had been sentenced to death had been executed.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

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Chairperson: Ms. Neubauer (Vice-Chairperson)

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Combined fourth to sixth periodic reports of Iraq (continued)

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth to sixth periodic reports of Iraq (continued) (CEDAW/C/IRQ/4-6; CEDAW/C/IRQ/Q/4-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Mr. Jasim** (Iraq) said that at least one third of the members of the Independent High Commission for Human Rights must be women under its by-laws. However, women's representation continued to fall short of the requirement, despite a Federal Supreme Court ruling that 5 of the 14 Commissioners must be women.

3. **Ms. Malk Mahmood** (Iraq) said that a court had been established in early 2014 to review cases of human rights violations in conjunction with the Independent High Commission for Human Rights. Cases that were not considered by the Commission could be referred to the Public Prosecutor's Office for further investigation.

4. **Ms. Al-Barrack** (Iraq) said that 5 women had been executed in 2012, and 13 between 2005 and 2012. In practice, the death penalty was carried out only in terrorism cases. Statistics on women convicted of prostitution would be provided at a later date. Reports on prison conditions were available on the website of the Ministry of Human Rights, in Arabic and English.

5. **Mr. Jasim** (Iraq) said that training courses for Iraqi professionals working in the criminal justice system were organized in partnership with the European Union Integrated Rule of Law Mission for Iraq.

6. **Ms. Acar** asked how the rights of religious minorities would be affected if article 41 of the Constitution, on personal status and religious practices, were annulled. Given that domestic violence went underreported, perpetrators enjoyed widespread impunity and institutional support was weak, she asked whether the national strategy to combat violence against women would be amended. What was being done to prosecute cases of domestic violence? Was it true that persons who performed female genital mutilation were punished by beating in addition to prison sentences? Lastly, how did the Government deal with honour crimes in the guise of self-immolation and suicide?

7. **Ms. Haidar** said that as article 41 of the Constitution failed to promote respect for the rights of minorities and contradicted article 14, on the principle of equality before the law without distinction as to race, gender and religion, it should be repealed. The Ja'fari personal status law seriously contravened the Convention and should not be incorporated into the law; instead, current legislation on personal status should be developed further and applied to all sectors of society.

8. **Ms. Ameline** asked how the delegation viewed justice in the State party and how judicial independence was guaranteed. Women should be helped to reach positions of responsibility in the police and the justice system because they were key to bringing about peace. Detailed data and indicators must be collected to tackle the various causes, forms and consequences of violence against women.

9. **Ms. Gabr** asked for information on female genital mutilation in areas other than Kurdistan, the number of trafficking cases brought before the courts and the way in which victims were dealt with. She also wished to know how negative stereotyping would be

addressed in school curricula. Had there been media campaigns to deal with stereotypes in religious discourse?

10. **Ms. Šimonović** said that the Government of Iraq should be in a position to withdraw its reservation to article 2 (g) of the Convention given that it had succeeded in annulling or amending relevant penal provisions. She asked whether its reservation to article 16 would be partially or completely withdrawn and, if so, what the possible time frame was.

11. **Mr. Jasim** (Iraq) said that amendments to article 41 of the Constitution were currently being considered in accordance with article 126, which stated that existing laws were to remain in force unless annulled or amended.

12. **Mr. Al-Tamimi** (Iraq) said that a family protection directorate had been established by the Ministry of Interior to deal with domestic violence and employed specialists trained in dealing with such violence. Its statistics from 2010 to 2013 showed a significant rise in reported cases, demonstrating that citizens, particularly women, felt able to turn to the directorate.

13. **Ms. Malk Mahmood** (Iraq) said that there was no impunity for perpetrators of violence against women. All such cases were investigated and perpetrators were duly prosecuted.

14. **Ms. Zangana** (Iraq) said that female genital mutilation was a criminal offence under the law on domestic violence. Although enforcement of the law had initially been weak because female genital mutilation had been considered cultural, specific efforts were currently being made to eradicate the practice, particularly in Kurdistan, including through awareness programmes carried out with civil society organizations. A survey had also been undertaken among more than 20,000 Kurdish women to measure the extent of female genital mutilation, the results of which would allow the necessary action to be taken.

15. **Ms. Yaser** (Iraq) said that the practice was limited to Kurdistan.

16. **Ms. Abo Daka** (Iraq) said that according to a survey 12 per cent of women and girls, mainly in Kurdistan, had been subjected to female genital mutilation. It was classified as violence against women and would be included in the 2013–2017 strategy to combat such violence.

17. **Mr. Rasheed** (Iraq) said that in cases of domestic violence, courts first referred the parties to a family mediation body, which tried to settle disputes amicably and keep families together while giving due consideration to the rights of the victims. In Kurdistan, the authorities no longer applied articles in the Criminal Code which allowed for offences with "honourable" motives to be considered as mitigating circumstances and for the suspension of prison sentences of less than 1 year for such crimes to be suspended. Elsewhere, incitement to suicide was criminalized.

18. **Ms. Yaser** (Iraq) said that the various bodies tasked with monitoring human and women's rights would not allow the proposed amendments to the current law on personal status based on Ja'fari tradition to infringe on those rights.

19. **Ms. Malk Mahmood** (Iraq) said that the head of the Supreme Judicial Council was independent and received funding from the Government. Additionally, judicial bodies were supervised by a committee and female judges received training in all areas of the law.

20. **Ms. Yaser** (Iraq) said that the Supreme Judicial Council was highly respected and known for its work in protecting citizens' rights, particularly the rights of women, who had started to participate in its work. The number of female judges and judicial officers was increasing, which gave further impetus to the promotion of women's rights and opened up new employment opportunities for female law graduates. Iraq had a large number of women police officers. There was also a police academy for women and specific training

was provided to female police officers with the support of international organizations and the Ministry of Interior. Lastly, a plan of action had been developed to implement Security Council resolution 1325 (2000).

21. **Ms. Hadi Khamees** (Iraq) said that human rights education had been incorporated into the school curricula and textbooks on human rights issues had been developed. A fresh approach to education had been taken, with a focus on human and women's rights and women's participation in decision-making. An education programme launched with the support of international organizations, including UN-Women, had led to the improvement of educational materials and a course on human rights, democracy and gender equality was taught at the university level.

22. **Ms. Yaser** (Iraq) said that the religious establishment played an effective role in combating domestic violence and promoting respect for women. Religious institutions had become more deeply involved in combating violence against women in recent years, for example by opening family counselling centres. Many seminars and meetings had been held with members of the media to address the stereotyped image of women in society and programmes on gender mainstreaming were produced by women experts working in the media.

23. **Ms. Dano** (Iraq) said that Iraq was working with INTERPOL and regional partners to combat human trafficking. Training courses and seminars for judicial and prisons personnel were held under the auspices of the European Union and the International Organization for Migration (IOM). Reliable statistics on the phenomenon had been collected since 2012 and efforts were being made to garner all possible information on traffickers.

24. **Ms. Al-Barrak** (Iraq) said that since 2011 there had been growing pressure from civil society on the Government to lift the State party's reservation to article 2 (g) of the Convention. The Supreme Judicial Council, Ministry of State for Women's Affairs and the parliamentary Human Rights Committee were working for the repeal of all discriminatory provisions in national legislation. In some respects, article 16 of the Convention was incompatible with sharia law. There was, however, a growing political willingness to lift all reservations to the Convention and amend the law accordingly.

25. **Ms. Hayashi**, while welcoming the introduction in 2008 of a quota for women members of parliament, noted that, according to one report, their presence had thus far had little impact on its work. She asked what steps were being taken to rectify that situation. She asked why the number of women in the Council of Ministers, the executive branch, had fallen from five in 2005 to just one. She would like to know how political parties had recruited the approximately 2,500 women candidates for the coming April 2014 elections. She regretted the lack of voter statistics, which hampered efforts to gauge women's participation in the political life of the country and asked whether the State party intended to collect such data in the future.

26. **Ms. Halperin-Kaddari** said that the Committee was concerned that, although the State party had withdrawn its reservation to article 9 of the Convention, laws contravening the article were still in force. The Nationality Act, No. 26 of 2006, still restricted the rights of children born outside the country to Iraqi mothers and non-Iraqi fathers. Iraqi women did not enjoy the same rights as Iraqi men to transmit their nationality to their spouses. It appeared that Iraqi women still required approval from male members of the family in order to travel. She asked whether the Government planned to drop the requirement of approval from a male member of the family in order for women to obtain a passport.

27. **Ms. Yaser** (Iraq) said that women members of parliament had on many occasions joined forces to promote the interests of women. Some sat on a parliamentary committee on women and childhood, which had tabled a number of laws.

28. **Ms. Zangana** (Iraq) said that women members of parliament in Kurdistan had played a key role in passing and amending legislation on women's rights.

29. **Ms. Yaser** (Iraq) said that the current lack of women ministers in the Government was largely the result of wrangling between members of the ruling coalition. It was hoped that women would be better represented in parliament and the Council of Ministers after the elections. The Ministry of State for Women's Affairs worked with civil society and the parliamentary Human Rights Committee to raise public awareness of the possibility of voting women into parliament. All data compiled by the Independent High Electoral Commission was disaggregated by sex.

30. **Mr. Al-Tamimi** (Iraq) said that, in principle, any child whose mother or father was Iraqi was considered by the State party to be an Iraqi national. More than 20,000 children had thus received Iraqi nationality since 2006. Non-Iraqi women married to Iraqi nationals could obtain Iraqi nationality after five years of uninterrupted marriage. The Ministry of the Interior could grant nationality to non-Iraqi men married to Iraqi women. Any Iraqi citizen aged 18 and above could apply for a passport without the consent of his or her parents or legal guardians.

31. **Ms. Pomeranzi** said that de facto discrimination in education continued to be a problem in the State party. She asked how much funding was allocated to education and how the Government monitored its use. She would like to know whether there was specific funding to boost female literacy and close the gender gap in access to education and why there had been no campaigns to reduce female illiteracy in rural areas. She also asked what was being done to combat domestic violence, which contributed to high dropout rates among girls, and end the practice of female genital mutilation.

32. **Mr. Bruun** said that the Committee was concerned about the low numbers of women in work, especially in the private sector, and asked whether the Government planned to introduce a comprehensive policy to remedy the situation. He asked for an update on the status of pending draft labour legislation and whether it would include the notion of equal pay for equal work. He also wished to know how the Government approached workplace harassment and whether it planned introduce legislation to combat the phenomenon.

33. **Ms. Nwankwo** asked how the Ministry of Health was reacting to the alarmingly high rates of birth defects and cancer reported among children conceived in the aftermath of the war. More than half the children born in Fallujah between 2007 and 2010 had been born with deformities. One in six pregnancies in the country had ended in miscarriage during the same period. Iraqi women were increasingly reluctant to have children. Cancer rates, particularly among women and children, had risen dramatically since the war. Was the Government attempting to clean up areas affected by lead and mercury contamination left in the wake of wartime aerial bombing?

34. **Ms. Hadi Khamees** (Iraq) said that gender equality in the education system was guaranteed by law. Primary school was compulsory for all. In 2008, the Ministry of Education had set about tackling the problem of functional illiteracy among women up to the age of 45 years by setting up community education centres. Around 4,200 women had successfully completed courses in 2013. Literacy departments had been established in the general directorates of education in the governorates. Around 5,600 literacy centres had been opened in towns, counties, districts, villages and residential areas in 2012. State scholarships were available for persons who enrolled in literacy programmes. Under a community assistance programme run in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO), grants were made available to community organizations to fund literacy classes. Around 4,000 persons had benefited from that programme to date. The Government had been successful in curbing the school dropout

rate. A total of 128 billion Iraqi dinars had been set aside to implement the 2012–2013 national education strategy.

35. **Ms. Zangana** (Iraq) said that human rights education programmes in schools addressed the problem of female genital mutilation, which would also be included in a general anti-violence strategy. Awareness-raising campaigns on the subject had been conducted by the Ministry of Education in some schools.

36. **Ms. Yaser** (Iraq) said that the number of women in work was low. The Government had launched campaigns, including a programme of grants and loans, to encourage women to enter the workforce and start their own businesses, especially in rural areas. Sixteen business centres had been set up in a number of governorates. The Baghdad Chamber of Commerce had more than 6,000 women members and more than 1,000 women in the country ran companies across a broad spectrum of sectors. Some of them were working to encourage more women to start up business. A women's advisory body lobbied actively to promote microcredits for women wishing to do so.

37. **Ms. Mahdi Muhsin** (Iraq) said that the 2010–2014 national poverty reduction strategy provided for vocational training for women, microcredits and efforts to amend legislation in order to encourage flexible working arrangements for women wishing to join the workforce. There had been a steady increase in the number of women taking part in vocational training provided by the Ministry of Labour and Social Affairs. There was no gender-based wage inequality in the private sector. The Government was currently working on a new labour code.

38. **Ms. Yaser** (Iraq) said that sexual harassment in the workplace was not widespread in Iraq. Nevertheless, it constituted a criminal offence and was punishable under legislation on employment in the civil service. There were also plans to introduce specific legislation to combat the phenomenon.

39. **Ms. Abo Daka** (Iraq) said that, on average, 9 out of every 1,000 women of child-bearing age had had an assisted abortion in the State party. There were no statistics on the number of women who had abortions outside the health-care system. The Government's reproductive health plan for 2013–2017 contained provisions aimed at encouraging women not to abort in unsafe conditions. Although high, the incidence of cancer in the country was comparable to average worldwide figures. Two advanced cancer treatment centres operated in Baghdad and more were due to open in other governorates. Cancer treatment was free of charge.

40. **Ms. Hussein** (Iraq) said that 20 per cent of cancer victims in Kurdistan Region suffered from breast cancer. All women in the Region were regularly screened for breast cancer from the age of 18. Cancer wards in the Region received funding of 3 million dinars. The regional health ministry had set up a support fund for cancer patients and treatment was free of charge.

41. **Ms. Patten** asked whether there was a comprehensive database on widows and divorcees in the State party, and what was the mandate and budget of the Directorate of Women's Affairs. She also asked how the directorate was addressing the needs of widowed and divorced women and the wives of missing persons and whether they were eligible for specific State benefits. Was there any scheme to provide them with access to credit?

42. **Ms. Gabr** asked for statistical data on actual landownership among rural women. She also requested details of how women's property was registered in marriage contracts, which was important given that women needed collateral in order to apply for credit. How had the 25 per cent employment rate among rural women provided in paragraph 193 of the report been calculated?

43. **Ms. Haidar** said that information was needed on efforts to uphold the rights of the various ethnic and religious groups in Iraq and protect women from those groups against violence. She expressed concern about the Faili Kurds who had been stripped of their citizenship. She asked what steps had been taken to ensure the participation of minority women in decision-making processes at the municipal level and requested information on minority women's representation in positions of authority.

44. **Ms. Yaser** (Iraq) said that the delay in conducting a full census had made it difficult to calculate the total number of widows. According to the latest figures from the Ministry of Planning, however, that number was estimated to be between 1 million and 1.5 million. The Directorate of Women's Welfare registered poor widowed women, divorced women, women with disabilities, the spouses of detainees and unmarried women over the age of 55 years. Various measures to address the needs of widows included an increase in social benefits, an increase in gender quotas for public office and credits for agricultural projects, particularly for households headed by widowed and divorced women, and support for such women in setting up their own businesses. In 2013, 3,000 housing units had been provided to widows at reduced prices to be reimbursed in instalments. A bill to address the problem of street begging was currently being considered.

45. **Ms. Al-Juboori** (Iraq) said that the Ministry of Agriculture provided capacity-building and training rural for women, including the introduction of new technology to improve productivity. It assisted in launching initiatives such as farm and handicraft trade projects at the village level and raised awareness of animal health issues. The law provided for equal rights for men and women to own and cultivate land and obtain credit for agriculture. Under the Government's agricultural initiative, 31.5 billion dinars had been allocated to rural women.

46. **Ms. Yaser** (Iraq) said that the establishment of cooperatives by rural women in partnership with the agricultural unions had contributed to breaking down stereotypes about the role of rural women. A widowed woman from a rural area headed a major agricultural trade union, which was but one illustration of the increasing empowerment of rural women. The latest fund set up for rural women provided them with easier access to credit by lowering the amount of collateral required and doing away with landownership requirements.

47. **Ms. Al-Ajeeli** (Iraq) said that her delegation would send the Committee information on how the statistics on rural women's employment referred to in the report were produced.

48. **Ms. Yaser** (Iraq) said that all religious groups were treated equally before the law and in practice. The law provided for freedom of religion and quotas for the representation of religious groups in public life. Women of all religious denominations held senior positions.

49. **Mr. Al-Musawy** (Iraq) said that legislation on the rights of the Faili Kurds had been strengthened and action plans were being formulated to build on the advances made. Under the Ministry of Human Rights, a law had been repealed to enable over 6,000 displaced persons from the Faili community to return to their homes and regain Iraqi citizenship.

50. **Ms. Alldad** (Iraq) said that a committee had been set up to address the issue of property confiscated from the Faili Kurds and to restore their rights.

51. **Ms. Halperin-Kaddari** drew attention to general recommendation No. 29 of the Committee on the economic consequences of marriage, family relations and their dissolution, which stated that the preservation of multiple legal systems within a State were a source of discrimination against women. The recommendation could provide guidance to the State party concerning the conflict between article 41 of the Constitution and the Personal Status Act. She asked what action was being taken to stem the increase in early

marriages, particularly in the Kurdistan Region. She expressed concern that polygamy was also increasing and that a law had been adopted in Kurdistan that relaxed restrictions on the practice. How were the economic rights of women safeguarded in temporary and polygamous marriages? The website of the Ministry of the Interior set out the requirements for passport applications, including the consent of a male guardian for non-married women and the husband for married women, which conflicted with the information provided earlier that women did not need to seek such consent to obtain a passport. She requested clarification in that regard.

52. **Mr. Jasim** (Iraq) said that article 41 of the Constitution was subject to amendment. Under the Personal Status Act, informal marriages concluded outside the courts were unlawful and punishable by a term of imprisonment of between 6 months and 5 years.

53. **Mr. Rasheed** (Iraq) said that legislation governing marriage in Kurdistan had been amended to bring it into line with the Convention. Polygamy was rare in the country. Women had the right to request a divorce, a woman's mother was considered her guardian in the event of the death, absence or imprisonment of her husband, and women could claim alimony from their former husbands. Various legislative amendments had been made to guarantee that men and women were treated equally, including a law to repeal the provision requiring women in positions of authority to be married.

54. **Ms. Mahmood** (Iraq) said that, while the law set the minimum age for marriage at 18 years, girls aged 15 years could marry with the authorization of a judge. Underage girls might undergo a physical examination to determine whether they were mature enough for marriage, but the judge was not bound by the examination and had discretion over whether to refuse to grant authorization. Cases in which fathers married off daughters under the minimum age without authorization were investigated and prosecuted. In order to obtain permission to enter into a polygamous marriage, certain conditions needed to be met, including an adequate level of income and other financial resources and the consent of the first wife.

55. **Ms. Zangana** (Iraq) said she would forward further details of the Personal Status Act, which seemed to need some clarification. According to a survey conducted by the competent ministries, including the Ministry of Planning, 24 per cent of girls between the ages of 15 and 19 years were married. Studies into early marriage and its impact on health, education and legal rights had been carried out and the results had formed the basis of recommendations which would be put forward to the relevant authorities.

56. **Mr. Al-Tamimi** (Iraq) said that only minors were required to seek the consent of a guardian to apply for a passport.

57. **Ms. Halperin-Kaddari** said that the passport application procedure set out by the Ministry of the Interior on its official website contradicted that information and therefore needed to be changed.

58. **Ms. Yaser** (Iraq) said that she would contact the Ministry of the Interior to enquire about the discrepancy and would relay her findings to the Committee. She thanked the Committee and said that steps would be taken to train officials in the Ministry of State for Women's Affairs and the Ministry of Human Rights, to include civil society in the preparation of periodic reports and to follow up on the Committee's recommendations.

59. **The Chairperson** commended the delegation in particular for the measures implemented in the Kurdistan Region and hoped that the rest of the country would follow that example.

The discussion covered in the summary record ended at 5.30 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1199th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 19 February 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Sixth periodic report of Sierra Leone

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.5106, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *(continued)*

Sixth periodic report of Sierra Leone (CEDAW/C/SLE/6; CEDAW/C/SLE/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sierra Leone took places at the Committee table.*

2. **Mr. Kaikai** (Sierra Leone), introducing the sixth periodic report of Sierra Leone (CEDAW/C/SLE/6), said that the report had been drafted on the basis of a thorough consultative process involving representatives of civil society, United Nations agencies, different agencies of the Government of Sierra Leone and a legal consultant. Every effort had been made to take into account the Committee's previous recommendations (CEDAW/C/SLE/CO/5).

3. The Sierra Leone national action plan for the implementation of United Nations Security Council resolutions Nos. 1325 (2000) and 1820 (2008) focused on five priority areas for women's empowerment. The action plan comprised outcome and output objectives, strategies and indicators. The action plan involved a wide range of measures to be implemented in cooperation with various government ministries, non-governmental organizations (NGOs), United Nations agencies and the judiciary. In 2012, legislation had been adopted to address sexual violence, and a national action plan and a national referral protocol on gender-based violence had been drafted by the Ministry of Social Welfare, Gender and Children's Affairs. Extra court sessions were held on Saturdays to hear cases involving gender-based sexual violence. In rural areas, agricultural business centres, many of which were managed by women, had been established to boost agricultural productivity.

4. The country's third poverty reduction strategy paper, *The Agenda for Prosperity 2013–2018*, was based on eight pillars for development, including one entitled "gender equality and women's empowerment". Gender issues were mainstreamed throughout the other seven pillars of the Agenda as well. The aim was to empower women and girls through education, participation in decision-making, access to justice and equal economic opportunities. The Agenda also provided for a minimum 30 per cent quota for women at all decision-making levels and the establishment of a national women's commission, a national strategy for the reduction of teenage pregnancy and a women's empowerment fund.

5. During the reporting period a number of legal reforms had changed the lives of the women of Sierra Leone, especially those in rural areas. Steps were being taken to ensure the full enforcement of the nation's laws and to raise public awareness of the people's rights and responsibilities. Efforts were being made to address the issue of female genital mutilation, in particular underage initiation rites that involved genital cutting.

6. Although the 30 per cent minimum quota for representation of women in decision-making posts had not been met, progress was being made: women held a number of positions of authority, including the Solicitor General, Chief Justice, Brigadier General and Auditor General, as well as heads of high-level commissions and agencies. Under the Agenda for Prosperity, free tuition for girls would be extended to the secondary school level. Government grants were available to girls wishing to study science at the tertiary level. Free health care was available for pregnant women, mothers who were breastfeeding and children under the age of 5. Legislation on the prevention and control of HIV had been amended to remove provisions that criminalized the act of giving birth to a baby with HIV. Steps were being taken to provide free medical examinations and treatment for victims of gender-based violence.

7. **Ms. Schulz** said that she was concerned by the fact that the definition of discrimination in the State party's Constitution was not in line with the definition contained in article 1 of the Convention. She was also concerned that, according to the common core document (HRI/CORE/SLE/2012, para. 176), Section 27 (4) of the Constitution nullified many equality provisions by making several exceptions to the prohibition of discriminatory laws. That provision, which ran counter to article 2 (a) of the Convention, delayed the enactment into law of bills that were ready for adoption, blocked progress at the legislative level and provided support for discriminatory provisions in common and customary law alike. It therefore appeared that the Convention had still not been incorporated into domestic law.

8. The slow pace of constitutional review was worrisome. She wished to know whether a definition of discrimination in line with article 1 of the Convention would be included in the revised Constitution and whether the State party intended to repeal Section 27 (4). She also wished to know whether every effort had been made to ensure that the results of the review would be accepted in the public referendum due to be held in 2015. She wondered whether there was a time frame for the adoption of the bills on sexual offences, grounds for divorce and the proposed national gender equality commission and whether the State party intended to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Maputo Protocol and the Convention on the Rights of All Migrant Workers and Members of Their Families.

9. **Ms. Patten** said that she would like to know what measures were being taken to implement the recommendations of the Truth and Reconciliation Commission regarding the independence of the judiciary and whether steps were being taken to improve women's access to justice and meet the challenges faced by the justice system, which included inadequate infrastructure, the poor quality of court decisions, capacity constraints and a lack of due process guarantees. What were the obstacles to putting those recommendations into practice? She would appreciate further information on the work of the National Commission for Social Action and on the impact of the reparations programme. Was any extra budget allocation provided to government ministries specifically for the implementation of the action plan for the implementation of United Nations Security Council resolutions Nos. 1325 (2000) and 1820 (2008)?

10. **The Chairperson** said that she would appreciate information on the State party's plans to bring customary courts under the authority of the Supreme Court. She wondered what measures were taken to ensure that customary law did not constitute an obstacle to the realization of women's rights. She wished to know when the Gender Equality and Women's Empowerment Bill would be adopted, whether Parliament supported the executive's efforts in that regard and what role women parliamentarians would play in the passage of that legislation.

11. **Ms. Šimonović** said that she wished to know what obstacles had blocked efforts to repeal Section 27 (4) (d) of the Constitution and why it had not been possible to bring the Constitution into line with the Convention. Similar clauses had been removed from the constitutions of neighbouring countries, and their experience could serve as an example. She wondered how much legal force the Convention had. She wished to know exactly how the provisions of the Convention were being given effect at the national level. Although national laws on women's rights had been adopted, it was important for the Convention itself to be legally binding.

12. **Ms. Zou** Xiaoqiao said that the information provided by the State party did little to address the Committee's previously expressed concerns regarding the urgent need for institutional capacity-building at the national level. She welcomed the recruitment of 33 female senior staff members in the Ministry of Social Welfare, Gender and Children's Affairs, and she would be interested to know whether all of those women were working on

gender issues. What percentage of the Ministry's budget was specifically targeted for use in addressing gender-related issues? She wished to know why regional gender desk officers were not involved in decision-making processes. Did the State party plan to rectify that situation?

13. Further details on the outcome of the midterm review of the national strategic gender plan for 2010–2013 would be welcomed. She particularly wished to know what progress had been made in implementing the plan and whether any ongoing challenges had been identified. Would the plan be renewed beyond 2013? The Committee would appreciate updated information on the status of the "twin" policies on the advancement of women and gender mainstreaming and on the progress made towards merging them into a new equality and women's empowerment policy. What was the time frame for the adoption of the new policy? Had women's organizations been involved in drafting it?

14. **Mr. Kaikai** (Sierra Leone) said that budget allocations for the Gender Division of the Ministry of Social Welfare, Gender and Children's Affairs had tripled since 2011. Each government ministry, department or agency was allocated targeted funds for gender mainstreaming.

15. **Mr. Sesay** (Sierra Leone) said that women's rights groups in Sierra Leone were lobbying for the repeal of Section 27 (4) of the Constitution. Although the Convention had not been incorporated into national laws, legislation was gradually being brought into line with the principles enshrined in the Convention. Awareness-raising campaigns focusing on the Convention were being run. There was popular support for ratification of the Optional Protocol. The traditional justice system had been brought under the aegis of the judiciary, and oversight committees had been set up in all three provinces to monitor the work of traditional courts. A public complaints mechanism was in place. Customary law was considered valid only if it was consistent with laws passed by Parliament, natural justice, equality and human rights. The authority to appoint staff to the local courts had been transferred from the executive to the Chief Justice in order to ensure their independence. Although the adoption of the Gender Equality and Women's Empowerment Bill was a priority on the President's agenda, the preparatory process was an onerous one. It was hoped that the bill would win passage in the near future.

16. **Mr. Momoh** (Sierra Leone) said that, as a Member of Parliament, his presence in the delegation reflected the close coordination that existed between the legislature and the executive branch of government. He could assure the Committee that every effort was being made to expedite the passage of bills by Parliament.

17. **Ms. Fofanah** (Sierra Leone) said that the Government's gender mainstreaming strategy and awareness-raising efforts were progressing, but sustainable advances towards the achievement of its long-term goals in respect of women's rights were quite limited because most of the related actions had been taken as part of projects that had been funded and led by development partners. As a result, very little national expertise had been developed.

18. **Mr. Kaikai** (Sierra Leone) said that a gender division had been established within the Sierra Leone police force.

19. **Mr. Vandi** (Sierra Leone) said that, as social welfare, gender and children's issues overlapped, the Ministry of Social Welfare, Gender and Children's Affairs had been created as a single entity. All of its 33 staff members would receive gender training and would either be assigned exclusively to the Gender Affairs Directorate or work on a cross-cutting basis for the entire ministry. The regional gender desk officers would not be devolved to the local councils, but would serve as monitors to ensure that devolved functions were being carried out effectively. The midterm review of the national strategic gender plan had provided valuable inputs for the design of the gender equality and women's empowerment

pillar of the Agenda for Prosperity. The results of that review had shown that the plan was on track and was even ahead of schedule in some areas. Issues not addressed in the plan would be covered under the gender pillar of the Agenda. The plan would not be renewed beyond 2013 because thereafter gender issues would become an integral part of a comprehensive strategic plan. Non-governmental organizations had been fully involved in the development of the national gender mainstreaming policy and national policy on the advancement of women, and those twin policies would be merged into a new policy on gender equality and women's empowerment. Extensive sex-disaggregated data on victims of the armed conflict, including victims of sexual violence, and on reparations were available and would be provided to the Committee.

20. **Mr. Kaikai** (Sierra Leone) said that the President of Sierra Leone had pledged to sign the bill on gender equality as soon as it was passed by Parliament in order to expedite its enactment into law.

21. **Ms. Schulz** said that she would like to know what steps would be taken to raise men's awareness of the importance of gender equality with a view to paving the way for the repeal of the discriminatory provisions contained in Section 27 (4) of the Constitution. Was there a specific time frame for the ratification of the Optional Protocol and the Maputo Protocol? She would welcome assurances that, by the time of the next dialogue with the Committee four years' hence, those bills would have been enacted into law.

22. **Mr. Kaikai** (Sierra Leone) said that, in his view, the objective was for those laws to have entered into force considerably before the time of the next dialogue with the Committee. The State party recognized the important role played by men in advancing women's rights, particularly in view of the fact that they were in the majority in Parliament. The inclusion of Mr. Momoh, a Member of Parliament, in the delegation bore witness to the awareness of that fact. Parliament had passed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children the previous week and would pass the Maputo Protocol before the end of the next quarter.

23. **Mr. Momoh** (Sierra Leone) said that the only delays in the passage of bills by Parliament in the future might be at the committee stage in the event that any amendments were called for.

24. **Ms. Pomeranzi** said that she would welcome information on the progress made in implementing the 2004 Local Government Act, which required that at least 50 per cent of ward committee members should be women, and on the lessons learned since that law's adoption. Was there sufficient political will to ensure achievement of the objectives set out under the gender pillar of the Agenda for Prosperity within four years' time? She wondered why the Government had not introduced temporary special measures as a means of empowering women at the local level, since the use of such measures was a powerful strategy for addressing the structural, cultural and social causes of discrimination against women.

25. **Ms. Pimentel** said that she wished to know whether, in addition to the memorandum of understanding which, as mentioned in paragraph 48 of the report, had been concluded between the Paramount Chiefs and the *Sowei*, who initiated girls into secret women's societies, the Government had a more comprehensive strategy, together with clear goals and set time frames, for eliminating harmful cultural practices, especially female genital mutilation. What specific steps were being taken to put an end to harmful cultural practices involving witchcraft?

26. **Ms. Šimonović** said that she would appreciate clarification as to whether female genital mutilation was actually prohibited, as well as more specific information on efforts to raise awareness about the need to do away with female genital mutilation entirely. She would like to know why impunity was so widespread in cases of sexual violence against

women and would welcome statistics on the punishment of persons who had committed acts of sexual violence during the civil conflict.

27. **Ms. Jahan** said that she wished to know whether a comprehensive strategy and plan of action were in place for the implementation of the 2005 Anti-Trafficking in Persons Act. How often did the anti-trafficking task force meet to coordinate efforts to enforce that law? Was the task force adequately staffed and financed? She had been concerned to hear that the interministerial committee that was supposed to provide policy guidance to the task force had met recently for the first time in eight years. Would it meet regularly in the future? She would like to know what kinds of steps were being taken to raise public awareness, particularly among women at risk of being trafficked. What remedial action had been taken, or was envisaged, to improve the currently low success rate of the prosecution of human trafficking cases? She wished to know more about how police officers and prosecutors were being trained to identify trafficking activity and to investigate and prosecute trafficking cases more effectively in a gender-sensitive manner. She would welcome up-to-date sex-disaggregated data on human trafficking, on the number of investigations undertaken and on the convictions secured and the types of punishments meted out. She would also like to have statistics on the number of women who had used the anti-trafficking hotline.

28. She would like to know what steps had been taken to provide prostitutes with access to health care, especially HIV/AIDS prevention methods and treatment, as many prostitutes living with HIV/AIDS were going untreated. She would welcome any statistics that were available on the number of prostitutes who had benefited from the scheme financed by the United Nations Population Fund (UNFPA) to provide skills training and microcredit to sex workers in order to provide them with a viable exit strategy. Was a mechanism in place to track how many of those women succeeded in finding and remaining in other gainful forms of employment?

29. **Mr. Kaikai** (Sierra Leone) said that the interministerial committee had already begun to meet regularly, and a related technical committee met fortnightly. A national centre to provide training to social workers on human trafficking issues had been set up. Female genital mutilation had not been fully eradicated in Sierra Leone, but it had been made a criminal offence if it was done to a child under 18. The Government was committed to its eradication, but the issue was highly sensitive and it would have to be a gradual process.

30. **Ms. Fofanah** (Sierra Leone) said that it was important to understand the sociocultural context within which female genital mutilation took place and that outright prohibition would be counterproductive. The strong influence of the *Sowei*, members of the women's societies who carried out the practice, as well as of the members of men's secret societies, had to be taken into consideration. The Government had been accused by practitioners of discriminating against the very women it was trying to help. By taking a gradual approach, raising awareness and starting with the prohibition of female genital mutilation in the case of girls under 18, the practitioners had been brought on board, and there had already been a drastic reduction in the practice. A sustainable strategy would eventually lead to eradication.

31. **Mr. Sesay** (Sierra Leone) said that a pilot scheme on the codification of customary law had been launched in one district. Laws that permitted harmful cultural practices, including female genital mutilation, would not be included in the codification process and would therefore be effectively removed. Significant progress had been made in Sierra Leone, as was attested to by the fact, for example, that, in the past it had been an offence under customary law even for women to talk openly about female genital mutilation, whereas at present, thanks to awareness-raising initiatives, the issue was debated publicly on the radio.

32. Witchcraft had been a crime since 1965. Cases of witchcraft were difficult to prosecute, however, since the courts could only deal with factual evidence, which was often missing in cases of witchcraft, as it was based on a belief system. The codification of customary law should bring an improvement in that respect.

33. **Mr. Sesay** (Sierra Leone) said that the legal minimum age of sexual consent had been increased from 14 to 18 years and that the Sexual Offences Act of November 2012 prescribed stiff minimum sentences for offenders. The police had established a specialized family support unit that investigated sexual offences and other family-related violence. Because of increasing public awareness of the Act, the number of reports of violence had also increased. As part of a strategy to protect witnesses and victims, special Saturday courts to try cases of sexual and/or gender-based violence had been established that provided greater privacy for the parties directly concerned.

34. **Mr. Kaikai** (Sierra Leone) said that, under the Sexual Offences Act, "if a person induced another to engage in sexual activity by abusing a position of trust, power or authority, then the act was deemed to have been non-consensual. The recent conviction of a government official on the basis of that provision demonstrated that civil servants in Sierra Leone were held accountable for their actions.

35. **Mr. Vandi** (Sierra Leone) said that prostitution was illegal in Sierra Leone. A UNFPA-funded crisis centre provided skills training and other capacity-building services for commercial sex workers who wished to leave prostitution. He would ensure that data concerning the number of women who had been rehabilitated at the crisis centre and the number of perpetrators were transmitted to the Committee in due course. One of the innovative features of the Sexual Offences Act was that it made provision for the court to order that, in addition to any other punishment, a convicted offender should pay the victim reasonable compensation. Until the adoption of the Act, it had been necessary to undertake separate civil litigation in order to seek such compensation.

36. **Mr. Sesay** (Sierra Leone) said that, since the offence of trafficking in persons in Sierra Leone usually involved the trafficking of girls or women for the purposes of commercial sexual exploitation, such offences tended to be dealt with under the Sexual Offences Act or the Protection of Women and Girls Act. The fact that the acts involved in trafficking and in the commission of sexual offences often overlapped explained why there were few statistics on the prosecution of cases of trafficking per se. He took note of the Committee members' suggestions that trafficking should be prosecuted as a separate offence.

37. **Ms. Pimentel** said that she would like to know whether the Government envisaged the establishment of special courts in which female legal professionals, including judges, officiated. She wished to know what efforts were being made to sensitize men to the harm caused to their daughters by incest, which appeared to be a widespread phenomenon in Sierra Leone. She would like to hear the views of the delegation concerning the phenomenon of male child preference in rural areas of Sierra Leone.

38. **Ms. Jahan** said that it was important to prosecute trafficking in persons as such, since there were differences between the penalties prescribed by the 2005 Anti-Trafficking in Persons Act and by the 2012 Sexual Offences Act. She wished to know whether there was a comprehensive strategy aimed specifically at combating trafficking in women and, if so, whether it was backed up by a national action plan.

39. **Ms. Šimonović** said that she would like to know whether, in order to prosecute the offence of female genital mutilation, it was possible to invoke section 33 (1) of the Child Rights Act of 2007, which prohibited cruel, inhuman or degrading treatment or punishment, including any cultural practice that dehumanized or was injurious to the physical or mental welfare of a child.

40. **Mr. Kaikai** (Sierra Leone) said that a comprehensive strategy for combating trafficking had been implemented. The strategy addressed the problems faced by women in a thorough manner, but was not confined exclusively to those problems.

41. **Mr. Sesay** (Sierra Leone) said that male child preference was not unique to Sierra Leone but was a feature of all African cultures, which were traditionally patrilineal. Temporary special measures had been taken to support girls' education in order to bring the enrolment of girls up to par with that of boys.

42. Section 33 (1) of the Child Rights Act could not be invoked in the case of female genital mutilation because the subject matter of that section was child discipline. There had originally been a provision on female genital mutilation in the child rights bill; however, given the perception that the practice was a rite of initiation into female secret societies, there was opposition to the idea of formulating the provision in the explicit terms necessary for prosecutorial purposes, and the provision had consequently been rejected. Thus, despite the fact that the definition of female genital mutilation remained in the definitions section of the Child Rights Act, the corresponding operational clause had been removed. Progress was being made towards doing away with the practice altogether, but it was not yet defined as a criminal offence in Sierra Leone.

43. Contrary to what Ms. Pimentel had indicated, incest was not widespread in Sierra Leone. In fact, it was both unusual and considered taboo. Nonetheless, it was defined as an offence in the Sexual Offences Act under two separate provisions: one concerning incest committed by a man and another concerning incest committed by a woman.

44. **Mr. Kaikai** (Sierra Leone) said that a man convicted of incest was liable to a sentence ranging from 5 to 15 years' imprisonment.

45. **Ms. Pires** said that she was concerned at the fact that the number of women in political leadership and decision-making positions remained so low. She wished to know whether the minimum 30 per cent quota for women in government, which was provided for in the gender equality bill, applied to all elected positions, whether the quota would be mandatory and whether the gender equality bill included penalties for non-compliance with the quota. From information that she had received, it appeared that some political parties were in favour of a voluntary 30 per cent quota, while others had expressed support for parity between women and men on their candidates lists. She wondered whether that expression of good will by political parties could be translated into a far-reaching bill, whether there was support in Parliament for a mandatory minimum quota of 30 per cent for women in all elected positions and whether there were plans to review the Local Government Act of 2004 in order to establish a quota for women in local council elections.

46. She was concerned that, although the Chieftaincy Act of 2009 permitted women to stand as candidates for paramount chieftaincies, their election to those positions was subject to the dictates of tradition in certain regards, which gave rise to discrimination against women in some parts of the country. Were there plans to revisit the Chieftaincy Act with a view to its amendment? She wished to know whether the Government worked with civil society organizations to promote women's political participation, whether it had plans to increase the number of women in the diplomatic corps and why there were only 2 women out of the total of 27 cabinet ministers.

47. **Mr. Kaikai** (Sierra Leone) said that the appointment of cabinet ministers was the prerogative of the President, but he would bring the matter to the attention of the President upon his return to the capital. The Government was cooperating with many civil society organizations in Sierra Leone to address issues relating to women's participation in political life. The President had pledged his support for the minimum 30 per cent quota.

48. **Mr. Sesay** (Sierra Leone) said that the quota provided for in the gender equality bill applied to both elected positions and executive appointments. Under the terms set out in the bill, the chief electoral commissioner would reject a party's nomination list if it was not in compliance with the quota. The bill would not require the President to appoint women to 30 per cent of cabinet posts because section 56, paragraph (1), of the Constitution gave the President the authority to appoint ministers and deputy ministers at his discretion. On the other hand, as that provision was inconsistent with the gender equality bill, it was hoped that there would be support for amending it in the course of the constitutional review process.

49. The proviso about tradition contained in the Chieftaincy Act was based on a constitutional provision which stated that "the institution of Chieftaincy as established by customary law and usage" was to be "guaranteed and preserved". That provision was being examined in the course of the constitutional review process, while the relevant provision of the Chieftaincy Act was being examined by the Minister of Local Government and Rural Development. The purpose of those reviews was to find ways of enhancing women's ability to vie for chieftaincy positions and thereby increase their role in providing political leadership.

50. **Mr. Momoh** (Sierra Leone) said that, following the population census that was to be taken in December 2014, there were plans to subdivide some of the large constituencies that had three or four chieftaincies. That, in turn, would open up more constituencies for women and would help to make it possible to meet the 30 per cent quota. Female genital mutilation had been practised in the region for centuries, and concerted efforts to raise awareness about its harmful effects on girls would be necessary before it could be eliminated.

51. **Ms. Pires** asked whether the Local Government Act would be examined as part of the constitutional review process and what the expected timetable was for the adoption of the gender equality bill.

52. **Mr. Sesay** (Sierra Leone) said that the constitutional review process was expected to be completed in 2015. Since the 30 per cent minimum quota for women would apply to all elected and appointed positions, once the gender equality bill was adopted the Local Government Act would be amended accordingly.

53. **Ms. Schulz** said that she would like clarification concerning three aspects of the State party's national laws that appeared to be discriminatory. The first regarded a law under which Sierra Leonean women who gave birth abroad could not transfer their nationality to their children, even though Sierra Leonean men whose children were born abroad were entitled to do so. That discrepancy could be seen as a violation of article 9, paragraph 2, of the Convention, which conferred equal rights to women and men regarding the nationality of their children. The second was a provision that allowed a foreign woman who married a Sierra Leonean man to request naturalization but denied that right to a foreign man who married a Sierra Leonean woman. That was a violation of article 9, paragraph 1, of the Convention, which granted women and men equal rights to acquire, change or retain their nationality. The third concerned the difficulty reportedly experienced by persons of non-African descent born in Sierra Leone in obtaining Sierra Leonean nationality through naturalization. She asked for clarification of that situation, which had been the subject of a recommendation contained in the Report of the Working Group on the Universal Periodic Review (A/HRC/18/10).

54. **Mr. Sesay** (Sierra Leone) said that the first two concerns expressed by Ms. Schulz had been resolved by the Sierra Leone Citizenship (Amendment) Act of 2006, pursuant to which women could acquire and transfer Sierra Leonean citizenship on an equal footing with men. There was a challenge that was yet to be overcome, however, inasmuch as citizenship was not considered a human rights issue under national law. That was a serious

flaw that needed to be rectified in order to align the law with the Convention and other human rights instruments, including the Universal Declaration on Human Rights and the African Charter on Human and Peoples' Rights. In its 2007 report, the constitutional review committee had recommended very strongly that citizenship should be treated as a human rights issue, and the current committee was taking that recommendation into account in its work.

55. Dual citizenship was permitted under Sierra Leonean law, so children born to Sierra Leonean parents abroad could have foreign as well as Sierra Leonean citizenship. He would refer Ms. Schulz's question concerning the naturalization of people of non-African descent to the specialized body that had taken part in the universal periodic review process. He asked the Chairperson to flag that question for consideration at the next universal periodic review of Sierra Leone.

56. **Ms. Schulz** said she had read about the amendments to the citizenship laws in 2006 but was under the impression that the two aspects she had mentioned had still not been addressed.

57. **Mr. Sesay** (Sierra Leone) said that there was nothing to prevent a Sierra Leonean woman from transferring her citizenship to her children or to prevent her children from having dual citizenship. The law contained a general provision stipulating that any foreigner could apply for naturalization; however, certain criteria did have to be met.

58. **The Chairperson** said that she wished to know whether the Government issued an identity card to all members of the population at the time of their birth. She would also like to know what the average voter turnout rate for women in Sierra Leone was.

59. **Mr. Kaikai** (Sierra Leone) said that an identity card was issued to residents of Sierra Leone. Partly as a result of the efforts of civil society organizations, more women had registered to vote in the 2012 general elections than men, which demonstrated that women were fully engaged in the election process in Sierra Leone.

The meeting rose at 1 p.m.